IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 7285 of 2006(P)

PETITIONER:

M.SREENIVAS,
PRESIDENT, TAXI DRIVERS ASSOCIATION,
KAVUMBHAGOM, THIRUVALLA, RESIDING AT MATTATHIL HOUSE, KAVUMBHAGOM THIRUVALLA,
PATHANAMTHITTA.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. THE TRAFFIC ADVISORY COMMITTEE,
THIRUVALLA, REP. BY ITS CHAIRMAN,
REVENUE DIVISIONAL OFFICER,
THIRUVALLA.

2. THE THIRUVALLA MUNICIPALITY,
REP. BY ITS SECRETARY.

3. THE REVENUE DIVISIONAL OFFICER,
THIRUVALLA.

4. THE JOINT REGIONAL TRANSPORT OFFICER,
DEPARTMENT OF MOTOR VEHICLES,
THIRUVALLA.

5. THE CIRCLE INSPECTOR OF POLICE,
THIRUVALLA.

*ADDL.R6.THE EXECUTIVE ENGINEER, ROADS DIVISION, THIRUVALLA.

**ADDL.R7.THE EXECUTIVE ENGINEER, K.S.T.P.DIVISION, KOTTARAKKARA.

*ADDL.R6 IS IMPLEADED AS PER THE ORDER DATED 27.10.2006.

**ADDL.R7 IS IMPLEADED AS PER THE DIRECTION IN THE JUDGMENT DATED 13.11.2006.

R2 BY ADV. SRI.JACOB MATHEW MANALIL
R1 & R3 TO R7 BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 7285/06)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF JUDGMENT IN LAR 156/90 OF SUB COURT, THIRUVALLA.

EXT.P2: ROUGH SKETCH SHOWING THE SHOPPING CENTRE.

EXT.P3: TRUE COPY OF MINUTES DATED 19.3.05 OF R1.

EXT.P4: TRUE COPY OF JUDGMENT IN WPC.NO.17920/05 DATED 22.7.05.

EXT.P4(a): TRUE COPY OF JUDGMENT IN WPC.NO.8406/05 DATED 22.7.05.

EXT.P5: TRUE COPY OF REMINDER DATED 16.11.05 TO R.T.O.THIRUVALLA.

EXT.P5a: DO. DO. TO R.D.O.THIRUVALLA OF DO.

EXT.P5b: DO. DO. TO SECRETARY, THIRUVALLA MUNICIPALITY OF DO.

2ND RESPONDENT'S EXTS.:

EXT.R2(A): SKETCH SHOWING LAYOUT.

EXT.R2(B): TRUE COPY OF THE DECISION OF THE COUNCIL.

PIUS C. KURIAKOSE,J.

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W.P.(C)No.7285 of 2006

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Dated: 13th November, 2006

JUDGMENT

Mr.Mathew G.Vadakkel, learned Government Pleader submits on the basis of the instructions received from the Executive Engineer, Roads Division, Pathanamthitta that the road in question (Thiruvalla-Mavelikkara road) is presently under the control of the Executive Engineer, K.S.T.P.Division, Kottarakkara and that the office of the Executive Engineer, K.S.T.P.Division, Kottarakkara is competent to carry out the works on the road. The Government Pleader further submits that it is for the Municipality to take all necessary steps for providing additional slabs to the drainage for getting complete utility of the Municipal parking area after intimating K.S.T.P.Division, Kottarakkara. Having regard to the above stand of the Executive Engineer, Roads Division, Pathanamthitta, I implead the Executive Engineer, K.S.T.P.Division, Kottarakkara as additional respondent No.7. Office will carry out necessary corrections in the cause title.In the light of the arguments already addressed before me by Mr.R.Santhosh Babu, learned counsel for the petitioner, Mr.Jacob Mathew Manalil, learned Standing Counsel for the Thiruvalla Municipality and Mr.K.J.Mohammed Ansar, learned Government Pleader, I am of the view that relief can be given to the writ petitioner

in the following terms:

The second respondent will within two weeks of them receiving a copy of this judgment seek the concurrence of the additional 7th respondent in the matter of implementing the decision for providing parking area for taxi cars in front of Municipal Shopping Complex, Kavumbhagom Junction which is situated at southern side of Thiruvalla-Mavelikkara road and the additional 7th respondent will issue such concurrence on condition that the cost of the concrete loading slabs for covering the drainage (subject to a maximum of five) will be borne by the 2nd respondent-Municipality. Once the Municipality provides the additional 7th respondent with requisite number of loading slabs, the additional 7th respondent will place those slabs over the drain in question so that the decision for providing parking area for taxi cars at Kavumbhagom Junction in front of the Municipal Shopping Complex will be implemented. Needful will be done by the concerned respondents, particularly the 2nd respondent-Municipality and the additional 7th respondent at their earliest and at any rate within two months of their receiving a copy of this judgment.

The Writ Petition will stand disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**